

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DOROTHY BIELA,

Plaintiff,

v.

WESTFIELD INSURANCE CO.

Defendant.

CIVIL ACTION

NO. 19-04383

ORDER

AND NOW, this 4th day of December 2019, upon consideration of Westfield's Motion to Dismiss Count II (ECF No. 3) and Biela's Response (ECF No. 6), as well as Westfield's Unopposed Motion to Extend Time to Answer Count I (ECF No. 4), it is hereby **ORDERED** that:

1. Westfield's Motion to Dismiss is **GRANTED**;
2. Westfield's Motion to Extend Time is **DENIED** as moot;
3. Count II is **DISMISSED** without prejudice;
4. Biela is granted leave to file an amended complaint on or before December 18, 2019; and
5. Westfield shall answer or otherwise respond to the amended complaint within the time period prescribed by the Federal Rules of Civil Procedures.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.